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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,442	11/14/2003	George J. Franks JR.	79374	9617
22242	7590	04/13/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/713,442

Applicant(s)

FRANKS, GEORGE J.

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, an electrical connector (for claims 1, 11, 19 and 38), a first conductive structure and a second conductive structure recited in claims 1 and 11, and a third conductive structure (for claim 11) must be shown or the feature(s) canceled from the claim(s). The examiner suggest showing reference number for an electrical connector, a first conductive structure, a second conductive structure, a third conductive structure. A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

### ***Claim Objections***

3. Claims 2-10 are objected to because of the following informalities:

In claim 2 line 5, "a conductor" should be "the conductor".

Appropriate correction is required.

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claim 1, 11 as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Auclair (5,674,079).

Auclair disclose:

Regarding claim 1, a clamp 50 (see fig 1) for mechanically and electrically securing a connector 20 to an electrically conductive structure (see fig 1, column 2 lines 40-45), a first

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conductive structure 24 (see fig 1), a second conductive structure 26 (see fig 1) and a fastener 90 (see fig 1) securing the first structure and the second structure to the clamp 50 such that a conductor 12 (see fig 1) can be captured between the first structure and the second structure (see fig 1), and the first structure and the second structure being made of conductive material with same or generally similar galvanic potentials as the material of the conductor (see column 2 lines 25-60).

Regarding claim 11, a clamp 50 (see fig 1) securing a connector 20 to an electrically conductive structure (see fig 1, column 2 lines 40-45), a first conductive structure 70 (see fig 1), a second conductive structure 26 (see fig 1), a third conductive structure 24 (see fig 1) and a fastener 90 (see fig 1) securing the first structure, the second structure and the third structure to the clamp (see fig 1), a conductor 12 (see fig 1) can be captured between the first structure and the second structure (see fig 1), and the second structure being made of metals with same or generally similar galvanic potentials as the material of the conductor (see column 2 lines 25-65),

5. Claims 1-2, 11-12, 38-39 as best understood are rejected under 35 U.S.C. § 102(e) as being anticipated by Glass et al (6,652,295).

Glass et al disclose:

Regarding claim 1, a clamp 48 (see fig 5) for mechanically and electrically securing a connector to an electrically conductive structure 54 (see fig 5), a first conductive structure 64 (see figs 5-6), a second conductive structure 68 (see figs 5-6) and a fastener 56 (see fig 6)

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securing the first structure and the second structure to the clamp such that a conductor 74 (see fig 5) can be captured between the first structure and the second structure (see fig 5), and the first structure and the second structure being made of conductive material with same or generally similar galvanic potentials as the material of the conductor (please note that Glass et al disclosed that as shown in fig. 6, and to establish an assured ground connection between conductor 74 and ground bus, see column 2 lines 35-55), therefore, it is inherent properties for the first structure and the second structure being made of conductive material with same or generally similar galvanic potentials as the material of the conductor, see column 2 lines 35-55).

Regarding claim 2, the clamp comprises a bendable strap 50 and at least a portion of the strap provides a third conductive structure 78 (see fig 6) such that the second structure and the third structure are in electrical contact with one another when the connector being attached to the electrical conductive structure 54 (see fig 5) and the conductor being captured between the first structure and the second structure (see fig 6).

Regarding claim 11, a clamp 48 (see fig 6) securing the connector to an electrically conductive structure 54 (see fig 6), a first conductive structure 64 (see fig 6), a second conductive structure 68 (see fig 6), a third conductive structure 78 (see fig 6) and a fastener 56 (see fig 6) securing the first structure, the second structure and the third structure to the clamp (see fig 5), a conductor 74 (see fig 1) can be captured between the first structure and the second structure (see fig 6), and the second structure being made of metals with same or generally similar galvanic potentials as the material of the conductor (please note that Glass

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et al disclosed that as shown in fig. 6, and to establish an assured ground connection between conductor 74 and ground bus, see column 2 lines 35-65), therefore, it is inherent properties for the first structure and the second structure being made of conductive material with same or generally similar galvanic potentials as the material of the conductor ).

Regarding claim 12, see figure 5 .

Regarding claims 38-39, claims 38-39 are method counter parts of product claim 11, and with respect to claim 39, The examiner takes official notice that to using a nut for tighten is well known in the electrical art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time

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a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 13-16 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Glass et al (6,652,295).

Glass et al disclose :

Regarding claims 13-16, the assembly of Glass et al disclose all the features of the claimed invention as shown above, but fails to disclose the first structure and the second structure comprises copper, brass, and third structure comprises galvanized steel, the conductor comprises copper. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Glass et al with the first structure and the second structure comprises copper, brass, and third structure comprises galvanized steel, and the conductor comprises copper, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

### ***Allowable Subject Matter***

7. Claims 3-10 , 17-37 would be allowable if rewritten or amended to overcome the objection of the drawings, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:



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The primary reasons for the indication of the allowability of claims 3-10 , 17-37 are the inclusion therein, in combination as currently claimed, of the limitation of a clip having at least one flange located to substantially prevent rotation of the clip relative to the bendable strap and the clip providing the first conductive structure (for claims 3-10), the second layer is a grounding shim (for claims 17-18), and an electrically conductive structure comprising: a fastener securing the grounding clip and the grounding shim to the bendable strap (for claims 19-37)

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

***Contact information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhuru Patel whose telephone number is (571) 272--1983. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800 ext 31.

Dhuru Patel  
Primary Examiner  
Group Art Unit 2831  
April 3, 2004

*Dhuru R Patel*  
*Primary Examiner*  
*4/3/04.*